

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALLAN WHITE,

Plaintiff,

v.

Case No. 02-71710
Judge AVERN COHN

HARRY TRAPP and TOM PHILLIPS,

Defendants.

ORDER

This is a prisoner civil rights case. On August 16, 2006, a judgment was entered against plaintiff by a jury verdict. Currently before the Court are two motions filed by plaintiff as follows:

Motion for Waiver of Fees and Costs;

Motion and Incorporated Brief Requesting Authorization to Proceed on Appeal in Forma Pauperis and Obtain a Copy of Transcript at No Personal Expense Under 28 U.S.C. § 1915(c) or in Discretion of Court Receive a Transcript at Government Expense Pursuant to 28 U.S.C. § 753(f)

Plaintiff is a frequent visitor to the district court. This is his eighth case. While plaintiff was successful in obtaining reversal of a summary judgment motion in favor of defendants, plaintiff failed to convince a jury of the merits of his claims. There is little likelihood of again persuading the Court of Appeals that errors in the trial should allow him a chance at a second jury. The trial extended over four days. None of the issues plaintiff raises in his appeal appear to require a transcript of the testimony. Plaintiff's indigency which allows for waiver of payment of fees on appeal does not, in light of the record and

issues raised on appeal, allow for waiver of payment of the cost of a transcript. Accordingly, plaintiff's motion to waive payment of fees on appeal is GRANTED; plaintiff's motion for a free transcript is DENIED.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: November 6, 2006

I hereby certify that a copy of the foregoing document was mailed to the parties of record, Alan White, #127009, Lakeland Correctional Facility, 141 First Street, Coldwater, MI 49036 on this date, November 6, 2006, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160